

### **REMARKS**

Independent claims 1 and 17 were amended, claims 2-4, 9, 18 and 19 were canceled and new claims 21 – 24 were added. Claims 1, 5-8, 10-17, 20-24 are currently pending. Independent claims 1 and 17 were amended to include subject matter of the canceled dependent claims.

### **The Office Action**

The Examiner rejected claims 1-20 under 35 U.S.C. 102(e) as being anticipated in view of Skinner et al. (Skinner), U.S. Patent No. 6,529,737. However, the Applicant respectfully disagrees. Skinner does not teach delivering a "call waiting no answer" message to the calling party terminal notifying the calling party that the called party has call waiting. Further, Skinner does not teach the network determining that an undelivered message awaits the called party after the called party terminal's line is no longer busy, and delivering the message from the calling party to the called party terminal when the called party terminal's line is no longer busy. For these reasons, independent claims 1 and 17 are patentable over Skinner, and claims 5-8, 10-16, and 20-24 depending therefrom are also patentable.

### **CONCLUSION**

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1, 5-8, 10-15, 17, 20-24) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

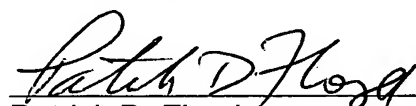
In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Patrick D. Floyd, at (216) 861-5582.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & MCKEE, LLP

January 25, 2006

Date



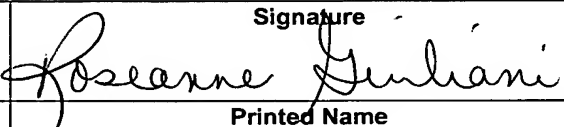
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#### **CERTIFICATE OF MAILING**

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